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MUNICIPAL ORDINANCES, RULES, AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

FORT SMITH, ARK.

Milk and Milk Products—Production, Care, and Sale. (Ord. 1137, Aug. 25, 1915.)

SECTION 1. Each person desiring to sell milk or cream within the city of Fort Smith shall, before engaging in such business, make application at the office of commissioner No. 2 for a permit for that purpose and shall furnish said commissioner with a certificate in writing giving the number of cows used in the production of such milk or cream and the location of the barns, sheds, stalls, and premises in which said cows are kept, fed, and milked, all duly verified by the affidavit of the applicant. Said certificate shall be accompanied by a verified certificate of some qualified veterinarian approved by the board of health to the effect that he has tested each of said cows with tuberculin for tuberculosis within one year and giving the date and result of such test. It shall be the duty thereupon of said commissioner No. 2, or his assistants, to inspect said sheds, barns, stalls, and premises and to examine and inspect said cows for disease; and if it be ascertained by said commissioner No. 2 or his assistants that said barns, sheds, stalls, and premises are properly constructed and sanitary and that said cows are free from injury or disease, it shall be the duty of said commissioner No. 2 to issue a permit to said applicant to sell milk and cream in the city of Fort Smith for the year ending December 31 thereafter. Said applicant shall immediately notify said commissioner No. 2 in writing when any additional cows are added to his herd, which notification shall be accompanied by a verified certificate of a qualified veterinarian approved by the board of health as above provided. Said commissioner No. 2 or his assistants shall thereupon examine said cows, and if same are healthy they shall be included in applicant's permit.

To cover the cost of inspecting said barns, sheds, stalls, and premises for the period covered by said permit, the applicant, upon being granted said permit, shall pay to the city collector the sum of \$2 for the first 10 cows or under, and 10 cents for each additional cow over 10, and commissioner No. 2 or his assistants shall inspect said sheds, barns, stalls, and premises as often within the period covered by said permit as conditions necessitate, but no further charge is to be made for said inspection: *Provided*, That any applicant to whom a dairy license may have been granted prior to the passage of this ordinance may secure a permit as herein provided for for the period of the license heretofore granted upon compliance with the other provisions of this section without paying the inspection fees above provided.

SEC. 2. Each person who desires to sell or dispose of any milk or cream in any way in the city of Fort Smith, where said milk or cream is not produced from cows owned by him, shall, before engaging in such business, make application at the office of commissioner No. 2 for that purpose, and shall furnish him for each herd or cow from which said applicant gets milk or cream a certificate

in writing from a qualified veterinarian, sworn to and subscribed before any person qualified to administer oaths, showing that said cows producing said milk or cream are free from all injury or disease that would affect the milk, especially any disease that is communicable to man or which produces elevation of systematic temperature, such as tuberculosis (determined by tuberculin test), anthrax, Texas fever, pneumonia, parturient apoplexy (milk fever), malignant catarrh, and all such diseases, and that the veterinarian has examined, entered, and inspected the dairy from which said milk or cream is supplied, and that the barns, sheds, and stalls in which each cow is kept, fed, and milked are properly ventilated, drained, lighted, and cleaned, and that in the dwelling house or houses of the said premise or premises of the persons who milk said cows or prepare said milk or cream for market there is no typhoid fever, tuberculosis, or disease that is likely to be communicated to persons using said milk or cream: *Provided*, That when any person deals in milk or cream which is sold or disposed of to him by a person who has obtained a permit under the first section of this ordinance, as to such milk or cream, a copy of such permit may be presented to commissioner No. 2 and shall be by him accepted in lieu of the veterinarian's certificate required above.

Any person to whom a permit has been issued, as provided in this section, must notify commissioner No. 2 in writing whenever he desires to obtain milk or cream from a cow or cows not included in his permit. Any person obtaining a permit under this section must obtain additional new or fresh certificate or certificates of veterinarian at any time on demand of commissioner No. 2, and upon failure within 10 days after demand in writing from said commissioner No. 2 to furnish said new or fresh certificate, the permit provided for in this ordinance may be forfeited. Commissioner No. 2 shall issue a permit to any applicant who shall comply with the above provision and who shall pay to the city collector the sum of \$2 for the first 10 cows or under and 10 cents for each additional cow or over 10, to cover costs of inspection. Said permit shall be for the year ending December 31 after its issuance: *Provided*, That any applicant to whom milk dealer's license may have been granted prior to the passage of this ordinance may secure the permit herein provided for for the period of the license heretofore granted upon complying with the other provisions of this section, without paying the inspection fees prescribed above.

SEC. 3. The issuance of the permits provided for in sections 1 and 2 by said commissioner No. 2 shall not create a vested right to do business in the city. Commissioner No. 2, subject to the approval of the board of commissioners and after a public hearing, is given the right at any time to revoke same upon the failure or neglect of the party obtaining same to comply with any of the terms, conditions, or provisions of this ordinance.

SEC. 4. Any person who sells or disposes of milk or cream in the city of Fort Smith produced from cows not included in a permit as provided for in this ordinance, or from cows, whether so included or not, which are not kept, fed, and milked in barns, sheds, stalls, or premises included in a permit, as provided for in this ordinance, shall be punished by fine as hereinafter provided.

SEC. 5. No person shall sell milk or cream in this city which is produced from cows which have not been tested within one year prior to such sale, by a qualified veterinarian with tuberculin for tuberculosis.

SEC. 6. All cows tested as provided in section 5 and found to be affected with tuberculosis shall be marked in the ear by the veterinarian making the test with a tag bearing a serial number and the words "Fort Smith."

SEC. 7. If, upon inspection as provided in this ordinance, it is ascertained that any milch cow kept, owned, or used in any dairy, or on the premises of any

dairyman who sells or otherwise disposes of milk or cream in this city, has the disease of tuberculosis, it shall be the duty of said commissioner No. 2 or his assistants to notify the owner: *Provided*, That the owner of any cow so found to have the disease of tuberculosis shall have the right to call a competent veterinarian, who, together with said commissioner No. 2, shall select another veterinarian and the three shall reexamine said cow or cows, and if a majority of these three find that said cow or cows is or are so diseased, the same shall be disposed of as hereinafter provided.

SEC. 8. It shall be the duty of the owner upon receiving notice from said commissioner No. 2 that any cow belonging to him and used in his dairy, or kept on his premises, is diseased with tuberculosis, to immediately stop using the milk and cream from said cow and either kill or quarantine her, and keep her quarantined until said animal shall either be killed or found nontuberculous.

SEC. 9. If any owner of a dairy shall fail to keep or quarantine a tuberculous cow upon receipt of notice from commissioner No. 2 or his assistants, or, after receiving said notice, sells or offers for sale within this city any milk or cream produced from said cow, or from cows which are fed or milked in any of the barns, sheds, stalls, premises, or pastures in which said tuberculous cow or cows are kept or fed, such owner shall be punished as hereinafter provided, and the permit of said owner may be revoked by commissioner No. 2.

SEC. 10. Upon disposing of any diseased cow, the owner shall at once notify commissioner No. 2 in writing what dispositions has been made of said cow.

SEC. 11. It shall be unlawful to sell or offer for sale, within this city milk or cream from cows suffering from injury or disease which would affect the milk or cream, especially diseases which are communicable to man, or produce elevation of systemic temperature, such as tuberculosis, anthrax, Texas fever, pneumonia, paturient apoplexy (milk fever), malignant catarrh, and all such diseases.

SEC. 12. Commissioner No. 2 or his assistants shall have the right at any time to enter, examine, and inspect any dairy, the owner of which sells or in any manner disposes of milk or cream in the city of Fort Smith, and to examine, inspect, and test for disease any cow connected with or belonging to the owner or proprietor of such dairy, and to take samples of milk or cream for the purpose of testing same. For any interference with or hindrance of the said commissioner No. 2 or his assistants, by the owner, proprietor, or agents of said dairy, the permit provided for by this ordinance may be forfeited; any person hindering or preventing said commissioner No. 2 or his assistants from making such inspection shall be punished as hereinafter provided.

SEC. 13. Commissioner No. 2 or his assistants shall have the right to enter and examine any place within this city where milk or cream is sold, or offered for sale, and to inspect and examine at any time and any place any of said milk or cream and to take samples of milk or cream for the purpose of testing same, and said commissioner No. 2 and his assistants are hereby given police power and authority.

SEC. 14. Dairy cows producing milk or cream for the Fort Smith market shall not be fed distillery waste, "swill," or any substance in a state of putrefaction or rottenness, or any substance that is unwholesome, or that will in any way affect the healthfulness of their milk or cream; and any person who sells milk or cream in the city of Fort Smith produced from cows fed on the above described substances shall be punished as hereinafter provided.

SEC. 15. Each cow used in the production of milk or cream for sale or disposal in the city of Fort Smith shall be allowed free movement in the open air at least six hours each day, and the barns, sheds, stalls, or premises in which

the cows are kept, fed, and milked shall be properly drained, lighted, ventilated, and cleaned, as per instructions of commissioner No. 2 or his assistants.

SEC. 16. No person shall sell or offer for sale within this city any milk which contains more than 87.5 per cent water or less than 3 per cent of butter fat, or the specific gravity of which, at 60° F., is less than 1.026 or more than 1.033. The water shall be determined by evaporation at 100° C., the fat by extraction from total solids in soxlet apparatus, and the nonfat solids by the difference. All milk of lower grade and quality than that specified by this section shall be taken and condemned by commissioner No. 2 or his assistants, and the vendor thereof punished by fine as hereinafter provided.

SEC. 17. It shall be unlawful for any person to sell or dispose of in any way, or to have in custody with the intention of selling or exposing or offering for sale as "pure" milk, any milk from which the cream, or any part thereof has been removed, and all such milk from which the cream, or any part thereof, has been removed, thereby reducing percentage of butter fat below 3 per cent, shall be plainly labeled and marked "skimmed milk."

SEC. 18. No person shall sell or offer for sale within this city any cream which contains less than 18 per cent of butter fat, to be determined as provided in section 16, unless said cream is plainly labeled "less than 18 per cent butter fat," and all cream of lower grade and quality not so labeled shall be taken and condemned by commissioner No. 2 or his assistants.

SEC. 19. It shall be unlawful to sell or offer for sale within this city any butter that is not made from milk or cream, and said butter shall be free from all chemicals or adulterations, other than salt or harmless coloring matter of the kind and amount allowed by the pure food and drug acts of the United States of America, and said butter shall comply in all respects with the requirements of said pure food and drug acts of the United States of America.

SEC. 20. Skimmed milk, or separated milk, that is sold or offered for sale within this city shall contain not less than 9 per cent of milk solids, exclusive of butter fat, to be determined as provided in section 16, and shall be plainly labeled "skimmed milk"; and all buttermilk shall contain not less than 8.5 per cent of milk solids, exclusive of butter fat, to be determined as provided in section 16, and all such milk of lower grade and quality than specified in this section shall be taken and condemned by commissioner No. 2 or his assistants.

SEC. 21. It shall be unlawful to add to milk or cream intended for sale in this city any chalk, borax, salicylate of soda, or any preservative of any kind whatsoever, or ice or water, or any substance or fluid, and it shall be unlawful to sell or offer for sale any milk or cream which has been added to or adulterated as aforesaid, or any impure, adulterated, or unwholesome milk or cream, and commissioner No. 2 shall condemn and destroy such milk or cream.

SEC. 22. Dairymen who shall desire to put a milk of exceptional excellence on the market may be allowed to use the words "certified milk" on their labels, provided they have received from commissioner No. 2 a certificate of the unusual excellence of said milk. Commissioner No. 2 shall in no instance give such certificate unless the conditions respecting such milk hereinafter specified are found to exist. Under no other circumstances shall such or any other label likely to mislead the purchaser appear upon packages containing milk.

Certified milk shall not contain over 20,000 bacteria per cubic centimeter at the time of delivery to the customer and shall at no time contain pathogenic germs. The method of counting bacteria shall be as follows:

Cultures to be grown upon glycerine-agar media, to be incubated not less than 24 nor more than 36 hours, at a temperature not less than 90° nor more than 100° F.

Certified milk shall contain 4 per cent of butter fat and other customary ingredients in proportion, to be determined as provided in section 16. Said milk shall not be delivered to customers at a higher temperature than 50° F., and shall always be delivered in sealed packages.

Barn and milk house at which such milk is produced shall be provided with concrete floor laid so as to be water-tight, and there shall be arrangements for water under pressure to flush said barn and milk house. There shall be arrangements for steam sterilization of all cans and bottles, and the barn and milk house shall be flushed three times a week, and the bottles and cans shall be sterilized each day before use: *Provided*, That the results of chemical and bacteriological examination made and certified by the person designated by the city to make such examination shall be considered prima facie correct: *And provided further*, That the certificate provided for in this section may be revoked by commissioner No. 2 at any time when any of the requirements of the above section are not complied with.

Sec. 23. Any person conducting a dairy or dairy depot, restaurant, hotel, or other place in which milk is sold or otherwise disposed of in this city shall at all times maintain such place in a strictly sanitary condition, to be open for inspection at all times during business hours. All ice boxes and refrigerators in which milk is kept shall be and remain in a sanitary condition, being scrubbed at least once in each week, said boxes or refrigerators to be drained according to the direction of commissioner No. 2 or his assistants. There shall be no closets, hogpens, or quarters for animals or fowls closer than 100 feet from such dairy or dairy depot or place where milk is sold: *Provided*, This shall not apply to a water-closet properly connected with the city sewage system and maintained in a clean, sanitary condition.

Any person conducting a dairy, dairy depot, hotel, restaurant, or other such place shall report, within 24 hours, to the city physician any illness of any kind whatsoever occurring in his family or among his employees, or of any person connected with the business in any way, giving name and address of the attending physician. The city physician shall have the power to suspend temporarily the business of any such place if he deems such action necessary to protect the public health against infection from such case of illness.

Sec. 24. In addition to the rules and regulations hereinbefore set out, all persons selling or offering for sale milk or cream in this city shall observe the following requirements:

First. No milk or cream shall be bottled except at a dairy or properly equipped dairy depot, and all milk or cream receptacles when not in use shall be kept free from dirt and flies.

Second. No milk or cream shall be strained in a barn or any other place where the milk will be liable to become contaminated.

Third. Every dairy shall be provided with an aerator of approved type, over which milk and cream shall be poured as it is strained, the said aerator to be filled with cold water or ice.

Fourth. Dairy cattle shall be prohibited from running on pastures that contain streams, ponds, or other water found contaminated with sewage.

Fifth. Every cow shall have the teats and udder well cleaned before each milking with clean damp cloth, and all milkers shall wear at each milking overalls or clothing that are clean; each milker shall clean his or her hands thoroughly with soap and water immediately before milking.

Sixth. No milk shall be sold which contains more than 1,000,000 bacteria per cubic centimeter at the time of delivery to the customer; the number of bacteria to be determined as provided in section 22. Dairymen whose milk shall be found

continually contaminated with pathogenic germs shall be suspended from selling milk in the city, and not relicensed to sell milk without permission of commissioner No. 2. No pasteurized milk shall be sold which, before pasteurization contained more than 1,000,000 bacteria per cubic centimeter (determined as in section 22). Pasteurized milk shall not be repasturized for the purpose of lowering the number of bacteria or for preserving purposes, but shall be kept at a temperature of not more than 65° F. after leaving the pasteurizer until reaching its destination.

Seventh. All dairy barns, if floored, shall be floored with concrete.

Eighth. The interior of all dairy barns shall be whitewashed twice each year or painted once each year.

Ninth. Every dairyman shall be required to keep his barn and lot where same is located free from manure, droppings from cows being gathered once daily, piled in an inclosure not closer than 100 feet to the dairy barn, milk house, or source of water supply, and said lot and barn shall also be kept free from stagnant water and other objectionable material. All fresh manure placed on the above-mentioned heap to be properly limed or treated with borax. All wells, springs, or cisterns supplying water to the cows shall be so constructed or situated as to satisfy commissioner No. 2 or his assistants that they are reasonably free from any source of possible infection. Each dairy farm shall be provided with a water-closet or privy of sanitary type, approved by commissioner No. 2 or his assistants, in which the discharge shall be thoroughly protected from flies. It shall be unlawful for any human excrement to be deposited on such premises in such manner as to make possible the contamination of the water supply or milk.

Tenth. Each dairy shall be provided with a properly constructed milk house, provided with wire screens for doors and windows, and ample arrangements for heating water, and shall not be used for any other purpose than handling milk or milk products. Said house shall have a properly constructed sink, at which bottles, cans, and other utensils used in handling milk may be washed, and shall be provided with a drainpipe carrying all waste water at least 100 feet from the milk house, water supply, and barn. Said milk house shall not be connected by door or passageway with any stall or stable.

SEC. 25. It shall be unlawful for any retail dairyman, dairy depot, or merchant to sell milk, when delivering the same in wagons over the city, in any way whatsoever except in glass bottles, well and securely stoppered when it leaves the dairy or dairy depot, and not removed from them until delivered: *Provided*, That this section shall not apply to restaurants, hotels, hospitals, and bakeries so far as their purchasing of milk in bulk is concerned: *Provided further*, That this section shall not apply where milk is being delivered to houses where there are infectious diseases, and all persons receiving milk on any such premises shall furnish proper receptacles in which the milk shall be poured.

SEC. 27. The provisions of this ordinance shall not apply to persons owning only one cow who sell the milk or cream produced from said cow direct to the consumer, and none of the provisions of this ordinance shall be construed as applying to evaporated or condensed milk or cream.

SEC. 28. That wherever the words "commissioner No. 2 or his assistants" are used herein the word "assistants," wherever the context permits, shall be deemed to include the city physician and health officer, all sanitary policemen or patrolmen, and such other persons as the board of commissioners shall assign to commissioner No. 2 to assist in the enforcement of this ordinance.

SEC. 29. Every person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction in police court shall be

ined not less than \$10 nor more than \$50 for each offense, and the license of such convicted person may be revoked.

SEC. 30. This ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and publication, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

GREENWICH, CONN.

Board of Health—Appointment, Powers, and Duties. (Act Conn. Leg., May 17, 1915.)

SECTION 1. The board of estimate and taxation, elected pursuant to the provisions of an act approved July 20, 1909, within 60 days after the passage of this act, shall appoint four citizens of the town of Greenwich, one of whom shall be a physician and one a lawyer, and not more than two of whom shall belong to the same political party, who, with the town health officer, ex officio, shall constitute a board of health for said town. Such four members shall serve without compensation, and shall be appointed, two for one year and two for two years, as designated by said board of estimate and taxation, but their successors shall be appointed for terms of two years, except in case of an appointment to fill a vacancy, which appointment shall be only for the unexpired portion of the term. Such board of estimate and taxation may, at any time, for cause, and after notice and opportunity to be heard, remove one or more of such four members so appointed, and shall appoint a successor in every case of vacancy.

SEC. 2. Said board of health shall exercise authority necessary for the promotion, protection, and preservation of the health of the inhabitants of said town. Said board of health shall have power to make, alter, repeal, and enforce ordinances, by-laws, and regulations for the following purposes:

To provide for the health of the town; to require and regulate inspection of schools and school children, as deemed necessary by such board for the protection of the health of such children; to supervise, control, and regulate the work of midwives, whether paid or not; to preserve the purity of all sources of water supply for said town and prevent pollution thereof; to define as nuisances anything detrimental or which in the opinion of such board may become detrimental to the public health, and to prevent and summarily abate all nuisances; to regulate the location, construction, and use of plumbing, wells, sinks, cesspools, pigpens, drains, sewers, and privies, and such other things as menace health in said town; to provide, by contract or otherwise, and to grant licenses, for the collection and disposal of garbage, ashes, sewage, and refuse in said town; to regulate the carriage of any offensive substance through the roads and streets within the limits of said town; to regulate, by inspection, licensing, or otherwise, the conduct within said town of any business affecting the public health or safety, or unduly annoying to the public, including plumbing, bakeries, barber shops, the sale of milk and other food, and any other business affecting public health, and to prohibit the sale or compel the destruction of milk or food when deemed by said board detrimental to public health; to prevent the deposit of refuse or filth in any stream, highway, or elsewhere. Any person violating any such ordinance, by-law, or regulation shall be fined not more than \$100 or imprisoned not more than 30 days, or both.

SEC. 3. Said board of health shall, in the manner and at the times provided in section 5 of the act creating a board of estimate and taxation, ap-